

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH CAROLINA**

In re:

JK Harris and Company, LLC

Debtor.

Case No. 11-06254-jw

Chapter 11

**MOTION FOR EMERGENCY
HEARING**

**MOTION FOR AND MEMORANDUM IN SUPPORT OF EMERGENCY HEARING ON
DEBTOR'S MOTION TO PAY CERTAIN EMPLOYEE WAGES**

JK Harris and Company, LLC as debtor in possession in this case ("Debtor"), requests that the Court schedule an emergency hearing for the following motions filed contemporaneously with this motion:

MOTION TO PAY CERTAIN PREPETITION EMPLOYEE WAGES

Because of the Debtor's urgent need to pay necessary prepetition employee wage claims for paychecks drafted October 7, 2011 in order to maintain its ongoing business operations, the Debtor requests that an emergency hearing be scheduled on or before the disbursement of its regularly scheduled payroll on October 7, 2011. The Debtor also submits the Certificate of Necessity for Emergency Hearing attached below.

WHEREFORE, having shown that an emergency hearing is necessary in connection with the above-listed motions, the Debtor would ask for an Order scheduling such hearings and for such other and further relief as the Court may deem appropriate.

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RESPECTFULLY SUBMITTED on this the 7th day of October 2011, at Columbia, South Carolina.

MCCARTHY LAW FIRM, LLC

By: /s/ W. Harrison Penn
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CERTIFICATION OF NECESSITY FOR EMERGENCY HEARING

The undersigned, as counsel for JK Harris and Company, LLC (the “Debtor”), hereby certifies:

That he has reviewed carefully the following Motions filed simultaneously with this Certification:

**MOTION FOR ENTRY OF ORDER AUTHORIZING DEBTOR TO PAY CERTAIN
PRE-PETITION EMPLOYEE WAGE CLAIMS**

1. That he believes that there is an urgent necessity for an emergency hearing on each of the Motions.

2. That his client will suffer irreparable damage in that the Debtor will be unable to continue its business operations if it is unable to use cash collateral, unable to establish adequate assurance payments in order to continue utility services, and unable to pay the necessary prepetition expenses if the above Motions are not heard on an emergency basis. This hearing must occur on or before the disbursement of its regularly scheduled payroll on October 7, 2011 and be scheduled in accordance with routine application of relevant sections of the United States Bankruptcy Code and Federal Rules of Bankruptcy Procedure.

3. The undersigned further certifies that the necessity for an emergency hearing has not been caused by any lack of due diligence on the part of the undersigned or his client.

4. The undersigned further certifies: (1) that prior to the filing of the Motion, Debtor’s Counsel attempted to contact the Office of the United States Trustee and contacted counsel for

NBSC Credit, LLC, but the need for the Court to hear this motion cannot be obtained absent an emergency hearing; and (2) failure to obtain the relief sought in a timely fashion will cause irreparable harm to the Debtor.

WHEREFORE the undersigned respectfully requests that this court enter an Order granting the relief requested herein, and for such other and further relief as this court may deem just and proper.

RESPECTFULLY SUBMITTED on this the 7th day of October 2011, at Columbia, South Carolina.

MCCARTHY LAW FIRM, LLC

By: /s/W. Harrison Penn
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